

MINUTES
MOUNT VERNON PLANNING AND ZONING COMMISSION
NOVEMBER 4, 2015

The Mount Vernon Planning and Zoning Commission met November 4, 2015 at Mount Vernon City Hall Council Chambers with the following members present: Truman Jordan, Jenna Wischmeyer, Trude Elliott, Richard Peterson, Joan Burge and Matthew Nelson. Absent: Rich Hileman. Also in attendance, Zoning Administrator, Matt Siders. Meeting was called to order by Chairperson Truman Jordan at 6:31 p.m.

1. Approval of Agenda and October 14, 2015 minutes. These documents stand approved unless otherwise indicated by Commission members.
2. Open Forum: each citizen limited to 5 minutes per discussion item.
3. Public Hearing and discussion and possible action on a request for a Conditional Use Permit for change of use from Commercial to Single Family Detached at 223 First Street NW. Jordan opened the public hearing. Zoning Administrator, Matt Siders, explained that 223 1st Street NW is in the TC zoning district, next to the old fire station. Within Town Center, there are certain uses that are permitted, certain uses that are not and certain uses that require a Conditional Use Permit. The last known use of this property was a commercial use. If this property were to be purchased and someone wanted to utilize it as a single family detached, it would require a Conditional Use Permit. After talking with the realtor for the property, it made sense to approach Planning and Zoning and Board of Adjustment to seek a Conditional Use Permit prior to someone purchasing the home so it would not create a roadblock for someone. Siders explained that the City recognized the property from a billing standpoint as commercial and this is what he was going by as far as the “commercial” designation. Peterson felt that according to the wording on the application, this is a request for “carte blanche” or a request for someone to buy the building and do what they wish with it. Peterson asked why there wasn’t a single purpose in mind. Siders explained that there are certain uses that would be permitted and not require a Conditional Use Permit but in order for the owner to sell this property as a Single Family Detached, it could be a roadblock for the buyer if there isn’t a Conditional Use Permit in place. Jordan asked if the Conditional Use Permit is approved, whether it was automatically conferred to the buyer. Siders said that Board of Adjustment has the right to put some conditions on a Conditional Use Permit so that could be discussed by them at their meeting tomorrow night. Guy Booth asked whether additional permission would be needed if the use went back to commercial. Siders said if the use in question was “permitted”, then no as there are certain uses that do not require approval. Peterson said he was still bothered by the wording on the application. Siders asked Peterson if he could make a recommendation to Board of Adjustment

to approve a Conditional Use Permit for a Single Family Detached. Peterson said he wouldn't be uncomfortable with that so long as they had to come back and go through the process again if it changed back to a business use. Siders said that would not be necessary if the business use was "permitted" per the code. Peterson said he would feel more comfortable if the wording in the application were different. Wischmeyer said a specific recommendation could be made to Board of Adjustment that would rectify that. Siders said that the official record is what Board of Adjustment decides and they will draw up a Summary of Findings after the meeting that will be part of the record and will show any specific conditions put upon the permit. Siders suggested making a recommendation for approval of a Conditional Use Permit for Single Family Detached only. Wischmeyer said she would be comfortable with that. She said that the property was uniquely situated and was not taking away from someone wanting to use it as a business in the future. Jordan closed the public hearing.

Wischmeyer made a motion to make a recommendation to Board of Adjustment to approve a Conditional Use Permit for Single Family Detached use only. Motion seconded by Elliott. Nelson felt that there are certain areas of town that we would want to keep a certain way in Town Center and there are certain properties along main street that are important to the activity of downtown and the board might want to maintain some of that. He went on to ask at what point do we draw the line and at what point do we have an entire downtown that is residential? Jordan responded that most of the residences are at the extreme end of the downtown area and a lot of that has to do with who wants to open a business and what it costs to buy a property. Wischmeyer said in her mind this use for this particular property "fit" with the downtown area. Roll call on the above motion: Voting yes, Wischmeyer, Jordan, Elliott and Burge. Voting no, Nelson. Abstain, Peterson.

4. Discussion and possible action regarding existing Commercial Design Standards. Siders mentioned that at the Council meeting on Monday evening, Council member Eric Roudabush made it clear that he wanted Planning and Zoning to look at this but did not pinpoint any specific part of the standards. He read an e-mail from Becca Owen that asked him to ask Planning and Zoning to take a look at this. This was not an agenda item and Council as a whole did not vote on this. Wischmeyer said she was happy to look at this and work on it but didn't want Planning and Zoning to spend a lot of time and energy on it if it wasn't going to go anywhere with Council.

Jordan provided the commission with a list of items to be considered that were discussed at the last meeting, which were as follows: 1) The Design Standards now apply to all non-residential districts. Would it make more sense to have one set of standards for Town Center, Limited Commercial, Mixed Use Corridor, General Commercial and Business Park with a different set of standards for Light

Industrial and Agricultural? 2) Are the standards as currently constructed too rigid and inflexible? Could more options be provided? 3) If the concern is to protect the entrances to town, do we only have the standards apply more than on lot deep off the current main streets in town? (1st Avenue and Highway One) 4) Should we contact the Sustainability Advisory Committee to find out what “greener” features they would like added to the Design Standards?

Jordan said it was his recollection that the commission was not uniformly happy with the original document that it produced, but passed it and attached 2 or 3 questions that they felt City Council should address. These questions were not addressed by Council and the ordinance was passed as it was. Council then asked the commission to look at it again, but then it was sent it on to an outside source to create. Jordan felt it was very important that if the commission worked on this, they be very happy with the product this is forwarded on to City Council. Wischmeyer stated that it would be better to look at the ordinance as a whole and see if it fits within the framework of the Comprehensive Plan and what it is intended to do. Burge felt it was good to have design plans but they shouldn't be so rigid that people will go elsewhere.

After discussion, it was the consensus of the commission that the above items were something that should be looked at in more detail and re-evaluated. Elliott wanted to make sure that this was something that would be given due diligence and not put on the back burner. Nelson agreed, saying that this issue should be pursued as the Comprehensive Plan is discussed. It was decided that the commission wait until January to discuss this after the new Mayor, Council and City Administrator have taken office.

5. Discussion and possible action regarding rental regulations for City of Mount Vernon. Jordan provided the commission with a list of items to be considered that were discussed at the last meeting, which were as follows: 1) Consistency and fairness-Renting a property is a commercial business. If you operate a business out of your home now, you must get a permit to do that. If you operate a Bed & Breakfast in a residential district, you must get a permit to do that. If you rent your house, you need no permit. If you rent a room in your house, you need no permit. (Is room rental even covered in our current ordinance?) 2) Safety-There are safety requirements that should be met such as fire exits, smoke alarms, sanitary conditions, maximum occupancy, etc. No one knows if those requirements are currently being met. 3) Parking-For apartment buildings and apartments uptown, we currently require a certain amount of off-street parking. We do not do that for residential rentals. This has created problems in some parts of town. 4) Upkeep-Is maintenance of rental properties a problem? This might be covered under “safety” above.

Burge brought up the idea of having a property manager for all rental properties if the owners lived out of town. Peterson said that rules could be written for controlling buildings, parking spaces and facilities inside those buildings but Planning and Zoning does not have the authority to control the behavior of tenants. Wischmeyer agreed. Peterson also felt that renter's rights were also important. Elliott said that Planning and Zoning needs to figure out what the problems are and what tools will be given to those people in authority to enforce the rules. Nelson said the commission also needs to keep in mind what City resources will be needed to enforce new rules. Siders said that right now, unless something is brought to his attention, he does not actively seek out code violations.

Elliott suggested having a sub-committee work on this initially. She also felt it important to get input from City Council on this before the commission proceeds. Discussion will continue at the next meeting in December.

6. Discussion and possible action regarding proposed Comprehensive Plan updates. Jordan asked for comments and suggested changes from commission members present. Wischmeyer did not have any suggested changes and said that it was very well done. She specifically liked the piece that focuses on implementation and having someone identified to be on point to keep it a "living document". Nelson said that overall it was a clear, understandable document and was very positive and flexible for the City.

The following changes to the document were discussed: 1) On page 40, under the "Promote Sustainable Development", the 2nd sentence will be changed to "As mentioned throughout the plan, the City should promote low-impact development and green conservation standards including the use of renewable energy options. Examples include but are not limited to: residential solar and wind energy and a rain barrel program". The 3rd sentence will be deleted. 2) There was discussion on page 95 on the implementation date to "plan for approximately 1,825 non-student housing units" and whether it should be placed in another column date. It was decided to leave it as it was as the "dot" represented the end point for completion but work could begin on it at any time. 3) The "Acknowledgements" page (2) will need to be updated with the current administration at the time of passage. Siders will come up with a list of members who participated to list individually under the "With special thanks to" section. 4) On page 7, 2nd sentence, the word "sidewalks" will be inserted between "streets, sewers". 5) On page 17, the 3rd sentence should read "The large growth rate is because of the Census reporting mistake in 2000, but the population is now correct". 6) On page 11 in the last sentence of the first paragraph, add "Planning and" in front of zoning commission and capitalize Planning and Zoning Commission.

The above changes will be sent to Chad Sands for updating and the draft plan will be available on the City website for public viewing. The consensus of the commission was to have a public hearing at the Planning and Zoning meeting in January. An ad will be placed in The Sun informing residents that the plan is available for viewing. Peterson suggested publishing the Executive Summary of the plan in the paper. This will be an agenda item at the December meeting in case any issues need to be discussed.

7. Zoning Administrator Report. Siders reported that two new building permits have been issued for new construction. The owners of 103 First Street NW would like to build a driveway behind their property so Council will be discussing this issue at a future meeting because it will take up two parking spaces in the City alley.
8. Old Business.
9. New Business.

Meeting adjourned at 9:14 p.m.

Respectfully submitted,
Marsha Dewell
Deputy Clerk